UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/626,050	07/24/2003	Brent L. Davis	BOC9-2003-0005 (374)	1446

40987   7590   06/17/2008
AKERMAN SENTERFITT
P. O. BOX 3188
WEST PALM BEACH, FL 33402-3188

EXAMINER
LERNER, MARTIN

ART UNIT	PAPER NUMBER
2626	

MAIL DATE	DELIVERY MODE
06/17/2008	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) ☒ Responsive to communication(s) filed on *20 March 2008*.

2a) ☒ This action is **FINAL**.   2b) ☐ This action is non-final.

3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) ☒ Claim(s) *1 to 6, 8, 10 to 11, and 13 to 19* is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5) ☐ Claim(s) _____ is/are allowed.

6) ☒ Claim(s) *1 to 6, 8, 10 to 11, and 13 to 19* is/are rejected.

7) ☐ Claim(s) _____ is/are objected to.

8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) ☐ The specification is objected to by the Examiner.

10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a) ☐ All   b) ☐ Some *   c) ☐ None of:

       1. ☐ Certified copies of the priority documents have been received.

       2. ☐ Certified copies of the priority documents have been received in Application No. _____.

       3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)

2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
    Paper No(s)/Mail Date _____.

4) ☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____.

5) ☐ Notice of Informal Patent Application

6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 103

1.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set
> forth in section 102 of this title, if the differences between the subject matter sought to be patented and
> the prior art are such that the subject matter as a whole would have been obvious at the time the
> invention was made to a person having ordinary skill in the art to which said subject matter pertains.
> Patentability shall not be negatived by the manner in which the invention was made.

2.   Claims 1 to 6, 8, 10 to 11, and 13 to 19 are rejected under 35 U.S.C. 103(a) as

being unpatentable over *Moore et al. ('041)* in view of *Zhang et al. ('644).*

Concerning independent claims 1 and 18, *Moore et al. ('041)* discloses a method

and machine readable program code for responding to messages, comprising:

"providing a speech processing system coupled [between] said teleconferencing

system and said messaging system" – intelligent media translator (IMT) 70 ("a speech

processing system") receives speech signals, and a speech-to-text conversion process

converts the received speech signals into corresponding textual information to provide

the textual information ultimately to a messaging client, receives textual information, and

a text-to-speech conversion process converts the received textual information into

corresponding speech signals (Page 10: ¶[0104]: Figure 1); gateway system 50

includes intelligent chat gateway 52 and voice-over-Internet Protocol (VoIP) gateway 54

(Page 8, ¶[0093]: Figure 1); intelligent chat gateway 52 ("said teleconferencing system")

manages messaging communications among a plurality of parties (Page 2: ¶[0030],

Page 8: ¶[0096]); managing communication among a plurality of parties is equivalent to

"a teleconferencing system"; moreover, service provider system 30 may include, without

limitation, conference call establishment (Page 7: ¶[0087]); instant messaging (IM)

service 22 ("said messaging system") communicates instant messages through chat

client 14 so that text instant messages can be exchanged in real time with one or more

parties (Page 7, ¶[0077]- ¶[0082]: Figure 1);

"receiving at said speech processing system a speech input received by said

teleconferencing system from a telephone connected to the teleconferencing system" –

speech information from a caller using telephone 62 is carried through PSTN 60, and is

directed to speech-to-text module 74 at gateway system 50 (Page 10, ¶[0105]: Figure

1); gateway system 50 includes intelligent chat gateway 52 ("said teleconferencing

system") (Page 8, ¶[0093]: Figure 1);

"transcribing the speech into a first text message using said speech processing

system" – the packetized data stream is directed to speech-to-text module 74 of

intelligent media translator 70 ("said speech processing system") to convert the received

speech signals into a textual representation (Page 10: ¶[0105]: Figure 1);

"transmitting the first text message to a plurality of devices participating in the

instant messaging based conference" – the textual information may then be sent to a

text chat interface of chat client 14, perhaps in the form of a typical chat message, via

network 20 and perhaps involving IM service 22; an optional instant messaging sender

79a is depicted along connection 76 representing adaptation of the speech-to-text

module 74 to carry on instant communications with chat client 14 (Page 10: ¶[0105]:

Figure 1); a chat client 14 supports communications with one or more principals, and

instant messaging through which text messages can be exchanged in real time with one

or more other parties ("to a plurality of devices participating in the instant messaging

based conference") (Page 6: ¶[0075], Page 7: ¶[0082]);

"receiving at said speech processing system a second text message from any

one among the plurality of devices participating in the instant messaging based

conference" – intelligent media translator (IMT) 70 may comprise a port for receiving

textual information from a messaging client (Page 10: ¶[0104]: Figure 1); chat client 14

may be implemented by or based upon well known instant messaging (Page 6, ¶[0075]:

Figure 1);

"converting the second text message to a speech output" – intelligent media

translator 70 comprises a text-to-speech conversion process for converting the received

textual information into corresponding speech signals via a text-to-speech module 72

(Page 10: ¶[0103] - ¶[0104]: Figure 1);

"transmitting the speech output to the telephone via the teleconferencing system"

– speech signals are sent through a communications medium, such as a telephone

connection or RTP session, to a chat client 14 or telephone 62 (Page 10: ¶[0103] -

¶[0104]: Figure 1); telephone 62 is connected through PSTN 60, so any speech output

to telephone 62 must be through PSTN 60 from gateway system 50 ("the

teleconferencing system").

Concerning independent claim 8, *Moore et al. ('041)* discloses a messaging

response system, comprising:

"an instant messaging subsystem managing a plurality of instant messaging

devices participating in said instant messaging based conference" – instant messaging

(IM) service 22 communicates instant messages through chat client 14 so that text

instant messages can be exchanged in real time with one or more parties (Page 7,

¶[0077]- ¶[0082]: Figure 1);

"a teleconferencing subsystem for receiving speech input from a calling party at a

telephone connected to the teleconferencing subsystem" – speech information from a

user ("a calling party") using a telephone 62 ("at a telephone") is carried through PSTN

60 and arrives as a conventional telephone signal at VoIP gateway 54 (Page 10:

¶[[0105]: Figure 1); intelligent chat gateway 52 manages messaging communications

among a plurality of parties (Page 2: ¶[0030], Page 8: ¶[0096]); managing

communication among a plurality of parties is equivalent to "a teleconferencing

subsystem";

"a speech processing subsystem [coupling] said instant messaging and said

teleconferencing subsystems, wherein said speech processing subsystem comprises:"

– intelligent media translator (IMT) 70 ("a speech processing subsystem") may comprise

a port for receiving speech signals from a chat client 14 or from telephones 62 (Page

10: ¶[0104] - ¶[0105]: Figure 1); intelligent chat gateway 52 ("said teleconferencing

subsystem") manages messaging communications among a plurality of parties (Page 2:

¶[0030], Page 8: ¶[0096]); thus, managing communication among a plurality of parties is

equivalent to "a teleconferencing subsystem"; moreover, service provider system 30

may include, without limitation, conference call establishment (Page 7: ¶[0087]); instant

messaging (IM) service 22 ("said instant messaging subsystem") communicates instant

messages through chat client 14 so that text instant messages can be exchanged in

real time with one or more parties (Page 7, ¶[0077]- ¶[0082]: Figure 1);

"a speech-to-text converter for converting the speech input to a text message for

transmission to said participating devices using said an instant messaging subsystem" –

speech-to-text module 74 converts between speech signals received from telephones

such as telephone 62 and text chat employed by chat client 14 (Page 10: ¶[0104]:

Figure 1); chat client 14 may be implemented by or based upon well known instant

messaging (Page 6, ¶[0075]: Figure 1);

"a text-to-speech converter for converting text messages received from any one

among the participating devices to a speech output for transmission to said telephone

using the teleconferencing subsystem" – text-to-speech module 72 converts between

text chat employed by chat client 14 by speech synthesis to provide speech signals for

telephones such as telephone 62 (Page 10: ¶[0104]: Figure 1).

Concerning independent claims 1, 8, and 18, the only elements not expressly

disclosed by *Moore et al. ('041)* are that a speech processing system is "coupled

between" said teleconferencing system and said messaging system (Independent

Claims 1 and 18), and a speech processing subsystem "coupling" said instant

messaging and said teleconferencing subsystems (Independent Claim 8). That is,

Moore et al. ('041) discloses all of the speech processing, teleconferencing, and

messaging systems and subsystems, but connects, or couples, them in a somewhat

different way, insofar as intelligent media translator 70 ("a speech processing system")

is coupled to intelligent chat gateway 50 ("said teleconferencing system") via lines 75,

78, and intelligent chat gateway 50 ("said teleconferencing system") is coupled to IM

service 22 ("said instant messaging system") via line 86, but intelligent media translator

70 ("a speech processing system") is not clearly coupled to IM service 22 ("said instant

messaging system"). However, it is maintained that, in an absence of unexpected

advantages, it is immaterial, and a question only of 'design choice', as to how all of the

systems and subsystems are coupled together, and what is connected to what.

Concerning independent claims 1, 8, and 18, moreover, *Zhang et al. ('644)*

teaches a system for integrating data network voice-oriented service and non-voice-

oriented service, where a messaging server 445, voice recognition server 447, a text-to-

speech server 449, and a conference server 452 are all coupled together as a server

farm via CSCE messaging bus 440. (Column 6, Line 42 to Column 7, Line 2: Figure 4)

Thus, *Zhang et al. ('644)* suggests an architecture where all of the servers are each

coupled to every server, so that voice recognition server 447 and text-to-speech server

449 ("a speech processing system") are coupled to messaging server 445 ("said instant

messaging system") between conference server 452 ("said teleconferencing system").

Instant messaging, implemented by user agents, is provided. (Column 10, Lines 20 to

22) An objective is to provide a modular, scalable architecture for converged

service/creation and execution ("CSCE"). (Column 4, Lines 44 to 59) It would have

been obvious to one having ordinary skill in the art to utilize an architecture where a

speech processing system is coupled between a teleconferencing system and a

messaging system as taught by *Zhang et al. ('644)* in a message response system of *Moore et al. ('041)* for a purpose of providing a modular, scalable architecture for converged services.

Concerning claims 2, 13, and 17, *Moore et al. ('041)* discloses a profile is maintained for a given user ("a user profile") as a preference as to how synthesized speech presented to him is rendered ("a simulated voice print of the user"); aspects of speech rendering include whether a male or female voice is preferred, approximate speaker age, vocal characteristics, inflection, and local dialect; in some implementations, a party may elect to use a speech persona that is whimsical or that emulates the characteristics of a popular recognizable personality (" at least one of . . . customized speech output . . . as defined by the user").

Concerning claims 3 and 12, *Moore et al. ('041)* discloses text is converted to speech by text-to-speech module 72 employing speech synthesis technology. (Page 10: ¶[0103]: Figure 1)

Concerning claims 4, 5, 11, and 19, *Moore et al. ('041)* discloses that in the course of converting speech and other audible signals into corresponding symbols or text, IMT 70 may also perform translation among different spoken and written languages, for example, converting English text to Spanish speech and vice-versa; language preferences or compatibilities of one or both of the parties may be known or maintained in a profile database or expressed by devices ("is specified by a profile associated with said identified user"); implicitly, a user is identified in order to be

associated with a profile ("identifying a user associated with said telephone"). (Page 11: ¶[0112])

Concerning claim 6, *Moore et al. ('041)* discloses that, after the packetized data stream is converted into a textual representation by speech-to-text module 74, the textual information is then sent via network 20 ("transmitting a text stream"). (Page 10: ¶[0105]: Figure 1)

Concerning claim 10, *Moore et al. ('041)* discloses that a data processing system 12 may comprise a laptop or handheld computer system, a personal digital assistant (PDA), or a mobile telephone to execute chat client 14 as an application, and to provide chat-based services. (Page 6: ¶[0074]: Figure 1)

Concerning claim 14, *Moore et al. ('041)* discloses that chat client 14 may present a user interface that is within a display device of data processing system 12; chat client 14 has an instant messaging window through which text messages are presented, as well as images and video. (Page 7 ¶[0079]: Figure 2, Page 7: ¶[0082]: Figure 1)

Concerning claim 15, *Moore et al. ('041)* discloses that text messages are exchanged in real time. (Page 7: ¶[0082]: Figure 1)

Concerning claim 16, *Moore et al. ('041)* discloses instant communications by establishing sessions through a network by a TCP/IP connection (Page 5: ¶[0061] - ¶[0062]); a TCP/IP connection involves "data transmission protocols" for communications over the Internet.

Response to Arguments

3.   Applicants' arguments filed 20 March 2008 have been fully considered but they

are not persuasive.

Firstly, Applicants argue that *Moore et al. ('041)* does not disclose a

teleconferencing system. Applicants say that intelligent media translator 70 is not

bridging an IM system and a teleconferencing system, but is merely connected between

a chat client and a telephone user. This position is traversed.

Applicants should not be permitted to require the exact terminological words of "a

teleconferencing system" to describe the functions of intelligent chat gateway 52, when

there is ample evidence that intelligent chat gateway 52 is functionally equivalent to a

teleconferencing system. Foremost, *Moore et al. ('041)* expressly says that intelligent

chat gateway 52 manages messaging communications among a plurality of parties.

(Page 2: ¶[0030], Page 8: ¶[0096]) Managing communication among a plurality of

parties is equivalent to "a teleconferencing system". Further, *Moore et al. ('041)* states

that service provider system 30 may include, without limitation, conference call

establishment. (Page 7: ¶[0087]) Then, *Moore et al. ('041)* discloses that instant

communications are complemented by "presence" technology, a mechanism through

which parties receive timely information about availability of others to communicate.

(Page 5: ¶[0069] - ¶[0070]) A presence server helps parties become aware of the

availability of other parties to communicate and establish communications between chat

clients. (Page 6: ¶[0076] - ¶[0077]) Briefly, then, there is plenty of evidence to show

that intelligent chat gateway 52 facilitates communication among more than two parties, in a manner functionally equivalent to a teleconferencing system, which is consistent with knowledge of those having ordinary skill in the art that more than two parties may communicate together at the same time in an instant messaging session.

Secondly, Applicants argue that *Moore et al. ('041)* converts a conventional telephony signal into a packetized data stream suitable for transport through a packet data network by being converted at a VoIP gateway. Applicants say that, in contrast, their speech input is not converted into a packetized data stream. This is not persuasive.

Applicants' argument amounts to saying that their method, system, and computer program is simpler than the prior art, but, generally, the fact that a claimed invention is simpler will not overcome a rejection of anticipation or obviousness. Applicants' claims do not negate additional network features for converting voice into a packetized data stream by VoIP, nor is there anything excluding VoIP conversion of voice into packetized data disclosed by Applicants' Specification. Indeed, one skilled in the art would understand that VoIP conversion would be particularly advantageous in the context of converting between text and voice because VoIP provides convergence between digital and voice systems. Still, *Moore et al. ('041)* expressly states voice data transport is not limited to using any particular transport. (Page 9: ¶[0101]) And then, *Moore et al. ('041)* says that connections 75 and 78 may represent other forms of bearer channel connection, such as TDM signals directly from a telephone network such as PSTN 60. (Page 11: ¶[0117])

Therefore, the rejection of claims 1 to 6, 8, 10 to 11, and 13 to 19 under 35

U.S.C. §103(a) as being obviousness over *Moore et al. ('041)* in view of *Zhang et al.*

('644) is proper.

Conclusion

4.   The prior art made of record and not relied upon is considered pertinent to

Applicants' disclosure.

        Kredo et al. ('728), Kredo et al. ('633). Bear et al., Caspi et al., and Moore et al.

('101) disclose related art.

5.   Applicants' amendment necessitated the new grounds of rejection presented in

this Office Action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP

§ 706.07(a). Applicants are reminded of the extension of time policy as set forth in 37

CFR 1.136(a).

        A shortened statutory period for reply to this final action is set to expire THREE

MONTHS from the mailing date of this action. In the event a first reply is filed within

TWO MONTHS of the mailing date of this final action and the advisory action is not

mailed until after the end of the THREE-MONTH shortened statutory period, then the

shortened statutory period will expire on the date the advisory action is mailed, and any

extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

the advisory action. In no event, however, will the statutory period for reply expire later

than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the
examiner should be directed to Martin Lerner whose telephone number is (571) 272-
7608. The examiner can normally be reached on 8:30 AM to 6:00 PM Monday to
Thursday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's
supervisor, David R. Hudspeth can be reached on (571) 272-7843. The fax phone
number for the organization where this application or proceeding is assigned is 571-
273-8300.

Information regarding the status of an application may be obtained from the
Patent Application Information Retrieval (PAIR) system. Status information for
published applications may be obtained from either Private PAIR or Public PAIR.
Status information for unpublished applications is available through Private PAIR only.
For more information about the PAIR system, see http://pair-direct.uspto.gov. Should
you have questions on access to the Private PAIR system, contact the Electronic
Business Center (EBC) at 866-217-9197 (toll-free).

If you would like assistance from a USPTO Customer Service Representative or
access to the automated information system, call 800-786-9199 (IN USA OR CANADA)
or 571-272-1000.

/Martin Lerner/
Primary Examiner
Art Unit 2626
June 12, 2008